

LIABILITY FOR MILITARY SERVICE OF NATURALIZED PERSONS AND PERSONS BORN WITH DOUBLE NATIONALITY

Treaty signed at Kaunas October 18, 1937

Ratified by Lithuania December 30, 1937

Senate advice and consent to ratification June 13, 1938

Ratified by the President of the United States July 5, 1938

Ratifications exchanged at Washington July 20, 1938

Entered into force July 20, 1938

Proclaimed by the President of the United States August 15, 1938

53 Stat. 1569; Treaty Series 936

The United States of America and Lithuania being desirous of defining in certain cases the liability for military service or any other act of allegiance of nationals of either country who have been or shall become naturalized in the territory of the other country as well as of certain classes of persons born with double nationality, have resolved to conclude a treaty on the subject and for that purpose have appointed their Plenipotentiaries, that is to say:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

C. PORTER KUYKENDALL, CHARGÉ D'AFFAIRES AD INTERIM OF THE UNITED STATES OF AMERICA TO LITHUANIA;

and

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA:

STASYS LOZORAITIS, MINISTER OF FOREIGN AFFAIRS:

Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

ARTICLE I

Nationals of either country, who have been or shall become naturalized in the territory of the other country shall not, upon returning to the country of former nationality for a temporary stay, be required to perform military service or any other act of allegiance, or punished for the original act of emigration, or for failure to respond to a call for military service, liability for which did not accrue until after bona fide residence was acquired in the territory of the country whose nationality was obtained by naturalization.

Provided, that, if a national of either country who comes within the purview of this article shall renew his residence in his country of origin without the intent to return to the country in which he was naturalized, he shall be held to have renounced his naturalization.

The intent not to return may be held to exist when a person naturalized in one country shall have resided more than two years in the other country; but this presumption may be overcome by evidence to the contrary.

ARTICLE II

A person born in the territory of one country of parents who are nationals of the other country, and having the nationality of each country under its laws, shall not, if he has his habitual residence, that is, the place of his general abode, in the territory of the country of his birth, be held liable for military service or any other act of allegiance during a temporary stay in the territory of the other country.

Provided, that, if such stay is protracted beyond the period of two years, it shall be presumed to be permanent, in the absence of sufficient evidence showing that return to the territory of the other country will take place within a short time.

ARTICLE III

The present treaty shall be ratified and the ratifications thereof shall be exchanged at Washington. It shall take effect in all its provisions on the day of the exchange of ratifications and shall continue in force for the term of ten years from that day.

If within one year before the expiration of ten years from the day on which the present treaty shall come into force, neither High Contracting Party notifies the other of an intention of terminating the treaty upon the expiration of the aforesaid period of ten years, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the treaty.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present treaty and have affixed their seals thereto.

DONE in duplicate, in the English and Lithuanian languages, both authentic, at Kaunas, this eighteenth day of October, nineteen hundred and thirty-seven.

C. PORTER KUYKENDALL	[SEAL]
LOZORAITIS	[SEAL]